



2023 EL PASO COUNTY

State Legislative Action
Agenda & Legislative
Values Document

88th Session of the Texas
Legislature Regular Session



Last updated: February 13, 2023

EL PASO COUNTY COMMISSIONERS COURT



County Judge
Ricardo A.
Samaniego



Commissioner
Pct. 1
Carlos Leon



Commissioner
Pct. 2
David Stout



Commissioner
Pct. 3
Iliana Holguin



Commissioner
Pct. 4
Sergio Coronado

About El Paso County

El Paso County is the westernmost county in Texas, with a population of approximately 840,000 people. Located at the United States/Mexico border opposite Ciudad Juárez, and at the intersection of Texas, New Mexico and the Mexican state of Chihuahua, El Paso is part of one of the largest bi-national metropolises in the United States. Communities include the cities of El Paso, Horizon City, San Elizario and Socorro, towns of Anthony and Clint and the Village of Vinton. El Paso is the proud home of Fort Bliss military base; Franklin Mountains State Park, the largest urban park in the nation; multiple institutions of higher education, including the University of Texas at El Paso, El Paso Community College and Texas Tech University Health Sciences Center El Paso, and nine public school districts.

Vision

El Paso County is a leading bi-national community. Its key principles are being a vibrant community with a dynamic, diverse economy, being a world-class center for health, and providing entertainment for all. El Paso County strives to be a high-performance, customer-focused organization that is dedicated to building on our legacy, illuminating innovation and succeeding beyond borders.

EL PASO STATE DELEGATION



State Senator
César Blanco
District 29



State Representative
Mary González
District 75



State Representative
Claudia Ordaz Perez
District 79



State Representative
Evelina "Lina" Ortega
District 77



State Representative
Joe Moody
District 78



State Representative
Eddie Morales
District 74



2023
EL PASO COUNTY

LEGISLATIVE
ACTION
AGENDA



LAND USE



1. **Require lot owners to comply with drainage requirements before being issued a certificate of plat compliance**

Proposed by Commissioner Holguin

Synopsis: This proposal would require that a county only issue a certificate of plat compliance if the property had installed all required storm water and drainage infrastructure. Currently, Local Government Code Sec. 232.028, which applies to certain counties adjacent to the Mexican border requires a certificate of plat compliance be issued prior to the connection of water, sewer, electricity and gas utilities if lot owners first demonstrate that water, sewer or septic, electrical and gas facilities have been installed. However, Sec. 232.028 fails to address compliance with drainage requirements, which are also a condition of plat approval. This results in homeowners either being unaware of or simply failing to comply with drainage standards, leading to flooding of their lots, neighboring lots or public rights of way.

2. **Local bill to allow a Right to Water Project in Cochran Colonia – HB 4624 (87th-R)**

Proposed by Commissioner Holguin and Rep. Mary Gonzalez

Synopsis: This proposes to support the re-filing of HB 4624 from the 87th Regular Session, which was a local bill to allow Cochran Colonia, in Far East El Paso County, to start a Right to Water Project. DigDeep, a non-profit organization from California, identified the Cochran Colonia as a neighborhood that would benefit from its Right to Water Project and pledged \$650,000 in funding for a waterline extension project which would allow the Cochran residents the opportunity to obtain water services from the Horizon Regional Municipal Utility District. The County's proposed contribution to the project would be the paving of the roadways within the colonia after the construction of the waterline. In order for the Cochran Colonia project to be successful and benefit the residents of the neighborhood, the territorial boundaries of the Horizon Regional Municipal Utility District must be expanded to include the Cochran Colonia. Without this expansion, its residents will not be able to afford water services from the Horizon MUD, even after DigDeep's infrastructure is financed.

COMMUNITY & ECONOMIC DEVELOPMENT



3. **Tire disposal regulation in unincorporated areas**

Proposed by Commissioner Holguin and Public Works Department

Synopsis: Legislation that regulates the disposal of tires in the small business in the unincorporated areas of the County of El Paso has been filed in previous legislative sessions at no avail. Through this agenda item, the County will support legislation similar to SB 570 (85-R) and SB 1850 (86-R) by Sen. Rodriguez, while seeking input and advice from the Texas Commission on Environmental Quality, local municipalities, and related stakeholders to agree on the best approach for legislative change. It has been noted that illegal tire

disposal has been a problem in the unincorporated areas of the county for years and that the improper transport and disposal of tires can lead to environmental hazards that jeopardize public health and safety. For these reasons, the County supports legislation that puts a cap on tire storage, outlines safe methods by which tires may be disposed, and assures proper oversight and enforcement.

TRANSPORTATION



4. Reform scofflaw online vehicle registration procedure – HB 46 (88th-R) and HB 2306 (87th-R)

Proposed by El Paso County Tax Assessor-Collector & Commissioner Leon

Synopsis: Previously passed out of the House as HB 2306 during the 87th regular session, this bill would close a loophole that allows vehicle owners who owe counties fines and fees to nevertheless receive their vehicle registration by going online through the Department of Motor Vehicles (TxDMV), instead of renewing their vehicle registration through a tax assessor-collector's office. Under the existing county scofflaw law, Transportation Code Sec. 502.010, a county tax assessor-collector may refuse to register a vehicle, or renew a registration, if the owner owes the county money for a fine, fee or tax that is past due (or if the owner failed to appear in court in certain criminal matters). When such owner comes into a county tax office, they must pay off their past-due amounts before receiving their registration. The El Paso County Tax Assessor-Collector's office uses a person's driver's license number and date of birth to check if they owe the County money, a system that is more effective at finding scofflaws than is the TxDMV's. However, people may also renew their vehicle registration online via www.TXDMV.gov, which does not look at a person's driver's license, but rather only asks for license plate number, county, current insurance and inspection, and vehicle identification number (VIN). The TxDMV does not check if an applicant owes a county money unless such county has entered into an information-sharing agreement with the TXDMV, as authorized by Transportation Code Sec. 502.010. El Paso County many years ago suspended its information sharing agreement because the process for maintaining it was expensive, labor intensive, and ineffective in actually identifying scofflaws. The County would send the TxDMV physical CDs with information for persons who owed the County money and update this information every time someone cleared a debt. El Paso County would pay a fee every time they updated their information with the TXDMV in this manner. Because none of this information was updated in real time, some people who cleared debts were nevertheless prevented from registering their vehicle. And other persons who registered before the TxDMV received information, managed to complete registration even though they owned the County money. The El Paso County Tax Assessor-Collector's office estimates that, due to online registrations, since Fiscal Year 2017-18, the County lost out on collecting an estimated more than \$100,000 each year in past-due fines, fees and taxes. Arguably, the Covid-19 pandemic has pushed still more people online, resulting in nearly \$160,000 in lost past-due fines as of June in FY 2019-20. This proposal would require the TxDMV to develop a real-time online database through which all counties could update their scofflaw information, including driver's license number and date of birth of any person owing the county money. The TxDMV would additionally be required to ask registration applicants for this information when they

register online, check this information against the real-time database, and reject a registration application until scofflaw fees are paid to counties.

- 5. Increase VIN inspection fee to \$65 to reflect actual costs of inspection – HB 997 (87th-R)**
Proposed by El Paso County Tax Assessor-Collector

Synopsis: The El Paso County Tax Assessor-Collector's Auto Theft Unit can impose a fee of not more than \$40 to perform a vehicle identification number (VIN) inspection for the purposes of identifying the true identity of a vehicle as required by Transportation Code Sec. 501.032 and 501.0321(e). A VIN inspection is required when an identification number has been removed, altered, obliterated or was never assigned, or if the Texas Department of Motor Vehicles (TXDMV) requests a VIN inspection. The \$40 fee has not increased since 2009 and has not kept pace with actual costs for providing the inspection. Inspections are specialized work which require certified law enforcement inspectors to not only inspect the vehicle, but also to research using law enforcement resources to determine its identity in the form of a motor vehicle record nationwide and confirm if the vehicle is currently reported as stolen. In some cases, stolen vehicle parts are used to assemble or rebuild salvage vehicles. Today, conservatively, each inspection costs the County approximately \$65: about \$48 attributable to the inspector's time, plus about \$17 attributable to a supporting administrative specialist. That means El Paso County loses roughly \$25 on every VIN inspection. Further, the Auto Theft Unit's workload has increased due to increased requests from the TXDMV and the passage of SB 2076 (2017), which increased the circumstances in which a VIN inspection must be performed. Last year, our unit recovered 28 stolen vehicles. This proposal would increase the fee to \$65 to help defray the cost of performing these inspections required to maintain compliance and ensure that Texas does not title vehicles that are unsafe and pursues the goal of lessening and preventing the theft of motor vehicles in this state. To maintain this service for law enforcement agencies to conduct a VIN inspection using appropriate resources and trained officers to conduct these inspections, law enforcement entities need to increase their inspection fees to allow counties or municipalities to charge actual costs for this service.

- 6. Increase from 5 percent to 6 percent the amount of motor vehicle sales tax counties can retain – SB 2128 (87th-R) and HB 601 (87th-R)**
Proposed by El Paso County Tax Assessor-Collector

Synopsis: Per Tax Code Sec. 152.123, counties may retain 5 percent of the motor vehicle sales taxes collected during the previous year's tax collections. Funds are credited and deposited in the general fund the following calendar year. This percentage has not changed since 2005. This proposal would increase the amount counties can retain to 6 percent per calendar year. El Paso County collected more than \$5.6 million in motor vehicle sales tax in Fiscal Year 2019. This 1 percent increase may allow El Paso to retain an additional \$1 million annually. Texas Counties have experienced revenue loss due to Covid-19. Allowing counties to retain a modestly-increased amount of the tax they collect on behalf of the State will help counties continue to provide vital public services as they recover from the pandemic's economic fallout.

7. Increase the amount of road and bridge fund fees counties can retain – SB 2129 (87th-R) and HB 1020 (87th-R)

Proposed by El Paso County Tax Assessor-Collector

Synopsis: Per Transportation Code Sec. 502.198, counties collect fees that are split between counties' road and bridge fund and the state highway fund. The amount of fees counties retain is capped at not more than \$360,000 pursuant to a three-part formula that has not been updated since 1979. This formula has not kept pace with the actual costs of maintaining county roads and bridges. First, counties can currently retain funds equal to \$60,000, then \$350 for each mile of road maintained by a county up to 500 miles to yield an additional amount of \$175,000. Then, counties can additionally retain 50 percent of fees collected up to \$125,000 for a maximum credit for the county road and bridge account of \$360,000 per year. This proposal would update these numbers to \$200,000, then retain \$600 for each mile up to 500 miles, and finally 50 percent of fees up to \$500,000. This would update the statutory cap so that affected counties could now retain up to \$1 million of collected fees for a county's road and bridge account during a calendar year. This formula is equitable for all counties because the fee retained is based on the number of vehicles registered and fees collected in each county.

8. Increase the amount of title fees counties can retain to reflect actual costs of processing title applications under the Certificate of Title Act – HB 996 (87th-R)

Proposed by El Paso County Tax Assessor-Collector

Synopsis: The Texas Certificate of Title and Registration of Vehicles Act, Transportation Code Title 7, Subtitle A, is intended to prevent the theft of motor vehicles and the sale of vehicles subject to a lien. Enforcement largely falls to county tax assessor-collectors. As the Act's provisions have been amended over years, including most recently by the Texas Department of Motor Vehicles (TxDMV) sunset bill (SB 604 (86R, 2019)), tax assessor-collectors' responsibilities—including pre-examining and processing title applications, training of staff and contractors, and providing training, title, and transfer oversight to more than 700 licensed automobile dealers—have increased dramatically. El Paso ranks 8th in the state in vehicle population and processed nearly 190,000 title transactions in 2019 alone. Unfortunately, title fees that counties such as El Paso can retain to administer and enforce this Act have not increased to match their responsibilities. Per Transportation Code Sec. 501.138, an applicant for a title must pay either \$33 dollars or \$28 dollars, depending on whether their county is a nonattainment area under the Federal Clean Air Act. Of that, since 1991, counties have only been able to retain \$5. To better cover the actual costs of compliance with and enforcement of the Certificate of Title Act, this proposal would increase the total title fee by \$5 (\$38 or \$33 total) and would allow counties to retain a reasonable fee of \$10 per title application.

9. Allow counties to retain 50% of fees collected for failure to register a vehicle – HB 995 (87th-R)

Proposed by El Paso County Tax Assessor-Collector

Synopsis: Pursuant to Transportation Code Sec. 502.045(d), a person who is arrested or received a citation for operating a vehicle that is either unregistered or improperly registered (See Sec. 502.472) must register their vehicle and pay an additional penalty equal to 20 percent

of the prescribed registration fee. This additional penalty fee is transmitted entirely to the state and no additional compensation is retained by the County for performing this collection. Counties do not retain any of these fees when local law enforcement enforces Sec. 502.472. This proposal would allow counties to retain 50 percent of this additional fee.

10. Voter-approved optional vehicle registration fee to fund transportation projects in El Paso County – HB 78 (88th -R) and HB 156 / SB 584 (87th-R)

Proposed by Rep. Lina Ortega & Public Works Department

Synopsis: Last session, this proposal was passed out of the House chamber as HB 156 and has been refiled as HB 78 this time. Several counties, including El Paso County, are currently able to impose a \$10 optional vehicle registration fee (VRF) to be sent to their regional mobility authority to fund long-term transportation projects in the county. (See Transportation Code Sec. 502.402). Some counties—not including El Paso—can additionally seek voter approval to impose a supplementary fee up to \$10, bringing the total potential optional VRF to \$20. This proposal would authorize the El Paso County Commissioners Court to also impose up to an additional \$10 VRF to fund transportation projects—but only if approved by El Paso voters. VRF fees would be sent to the Camino Real Regional Mobility Authority to fund long-term transportation projects which are included in a plan approved by the El Paso Metropolitan Planning Organization. El Paso County testified in support of this proposal when filed as House Bill 2769 (86R, 2019), authored by Rep. Lina Ortega, co-authored by the El Paso House delegation, and sponsored by Sen. José Rodríguez. The Legislative Budget Board estimated that, if HB 2769 had passed and been approved by voters, the fee would have generated more than \$33 million in additional transportation funds in fiscal years 2020 through 2024. VRF funds offer a flexible funding stream, freeing up other traditional state and federal transportation dollars, and typically completing projects faster and at less cost. This proposal offers El Pasoans a choice to invest in the growth of our region. After the November 14th, 2022 meeting, Commissioner Stout proposed to add transit to the allowable use of additional VRF, for which we are requesting this language be added to the bill draft.

11. Eliminate all misdemeanor penalties under TRC 681.011 for persons issued DV plates under TRC 504.202(b-1) who are cited and do not display a disabled parking placard or ISA symbol on the Disabled Veteran License Plate or Meritorious Specialty License Plate

Proposed by El Paso County Tax Assessor Collector

Synopsis: Legislation passed during the 87th Legislature under SB 792, 87th-R imposes parking penalties for citations received for parking in handicapped designated spaces without an ISA (International Symbol of Access) on the plate or placard. Veterans with DV plates are allowed to park in handicapped spaces for an unlimited period provided they display a DV plate or ISA placard on the vehicle. Many veterans qualify under the definition of “disability” and qualify for a placard or DV license plates with an ISA symbol. Due to the amendment in the law, many veterans have not been able to comply with a new application certifying their eligibility by a licensed physician. It takes veterans as long as three months to get certified. Due to the necessity of a veteran needing to use their vehicle(s) for everyday use and have a need to use a parking space, many veterans are being cited for not displaying a placard or DV

plates with an ISA symbol. Veterans have honorably served their country and have a service-connected injury that is acknowledged by qualifying for a Disabled Veteran license plate. Many veterans especially from the Vietnam Era are elderly that have mobility and vision problems and for them to be cited for not displaying an ISA symbol either on their specialty military plate or placard is an injustice to our patriotic veteran community. For a veteran to pay a penalty starting at \$500 to a maximum of \$1250 plus community service is not humane for the sacrifices that our veterans have made in service to their country. If no fees are not acceptable, make it a true misdemeanor and charge a minimum of \$25 up to \$200 with no mandatory community service.

12. Establish a fee to cover the cost of administering the Certificate of Title Act by adding an increase of \$10 or more to the current fee of \$5 required under Section 501.138 for counties in nonattainment areas or any other county.

Proposed by El Paso County Tax Assessor Collector

Synopsis: County Tax Assessor-Collectors (TAC's) are designated agent's for the Texas Department of Motor Vehicles (TxDMV) and the owner of a motor vehicle must apply in the county of the owner's domicile or where purchased or encumbered; or in any willing county. TRC 501.021 provides the title requirements that must be followed by a TAC. TRC 501.138 provides for the collection and disposition of fees for title applications filed in each County TAC. Since December 1991, County TAC's as compensation for processing applications for title have been allowed to retain a \$5 fee for their administration of the Certificate of Title Act. To reflect the current equity of treatment in the fees allowed in the authorized entities that process Texas title applications, the following are examples:

- a) Since 2012, TxDMV Regional Service Center Offices are allowed to retain an administrative fee of \$15 to provide a rejection letter for all bonded title requests. These bond applications require the TAC to verify and confirm vehicle and title applicants' information before issuing a title receipt in the Registration and Title System (RTS).
- b) Since 2013, licensed dealers participating in the Web-dealer program as agents of the County TAC, receive a title convenience fee of up to \$10. Separate and aside from the normal title application fee of \$33 or \$28. TAC's are still required to examine these electronic title transactions for fees paid and quality of work prior to approval.
- c) Since 2017, contracted private offices, as agents of the County TAC, receive a convenience fee of up to \$20 for processing Texas title applications. (County TAC's must train these deputies in the processing of these title and registration applications. TAC must also examine completed title applications for quality of work to protect the citizens and lienholders.)
- d) Due to the lack of parity cited in the above examples, County TAC's continue to receive a title fee of \$5 out of each title application fee processed in the County since 1991. County TAC's must be thoroughly knowledgeable in the Certificate of Title Act, Registration Law, and Motor Vehicle Sales Tax Collections. As agents of the TxDMV, County TAC's should be compensated at the minimum a similar fee of at least \$15 or more due to the constant Administrative changes in policy that occur and requested by the TxDMV or Legislature.

The success of the Certificate of Title Act in Texas cannot be accomplished without the commitment, deputy training, partnership, and support by County Tax Assessor-Collectors and the TxDMV. Recent Legislative mandates and constant improvement to current operating policies has placed additional responsibilities on each deputy to comply with statutes and Administrative Rules required by the Legislature and TxDMV. A title deputy to be effective in serving the public must be well versed in the Certificate of Title Act, Registration Act, and Motor Vehicle Sales Tax Policies. Personal skills required from a deputy are data entry and navigation skills in the State's Automated Registration and Title System (RTS), cashiering skills, and most of all great customer service skills to address our general public. In addition, to be knowledgeable in providing answers to our dealer community and financial institutions. In many counties in Texas the need to be bilingual in the Spanish language is a great asset that is not recognized nor compensated for a deputy serving the public. Recent issues with the pandemic and statewide concern for the fraudulent dealer tag and temporary permit problem has made the duties of a deputy more difficult when dealing with the citizens who are victims of these actions. The general public also places a lot of stress on the line clerk trying to explain reasons why policies are enforced. The administration of the Certificate of Title Act requires reasonable compensation for Counties who continue to perform for the TxDMV. The TAC's are long overdue an increase in fees of office for their dedication and professionalism in serving the general public who demand and should expect quality work and excellent customer service.

13. Address or eliminate the penalty on name change title transactions

Proposed by Commissioner Stout

Synopsis: This proposal would eliminate the auto title transfer penalty on people who recently underwent a name change, such as women following a divorce or newly naturalized citizens changing their names. A potential legislative solution is to remove the current 30-day-late penalty fee for women who are divorced and change their name back to their pre-divorce name, or for persons who recently changed their name and need to update their vehicle's title.

COUNTY ADMINISTRATION



14. Allow El Paso County Commissioners Court to delegate duties to another county officer or employee – HB 784 (88th-R) and HB 2272 / SB 1069 (87th-R)

Proposed by County Administration

Synopsis: During the last legislative session, this bill was passed out of the House and reported favorably out of the Senate Local Government committee, and it has since been refiled as HB 784 for the upcoming 88th regular session. It would amend Local Government Code Sec. 81.029 to allow the El Paso County Judge, by order, to delegate to another county officer or employee, such as the county chief administrator, the ability to sign orders or other official documents associated with the Judge's office. Currently, Sec. 81.029 only permits the Judge to delegate to a county commissioner. This amendment would bring El Paso County in line with judges in

counties with populations of more than 1.5 million, who may already delegate to county officers or employees pursuant to Sec. 81.028. El Paso's Sec. 81.029 would also be amended to additionally authorize the Commissioners Court to delegate by order other managerial authority the Court deems appropriate to a county chief administrator. Such policy could be modified or rescinded by the Court.

15. Allow a county's chief administrator to select and remove a county chief public defender – HB 1952 (87th-R)

Proposed by County Administration

Synopsis: Code of Criminal Procedure Art. 26.044 authorizes a commissioners court to establish a public defender office, to be headed by a chief public defender. Art. 26.045 authorizes a commissioners court to appoint a public defender oversight board to which the commissioners court could delegate oversight of, and the ability to recommend the selection and removal of the chief public defender. Ultimately, however, selection and removal of the public defender rests only with the commissioners court. Counties like El Paso may want to delegate oversight of the public defender office to the county administrator, and may also want to delegate the selection and removal of the chief public defender to the county administrator, similar to how the county administrator may be empowered to select and remove other county department heads. This proposal would amend the Code of Criminal Procedure to allow a commissioners court to delegate to a county's chief administrator administrative oversight of, and the ability to select and remove, the chief public defender (not just recommend selection or removal). The county administrator would not direct or regulate the chief public defender's professional judgment in rendering legal services. The decision to delegate appointment, oversight and removal of a public defender to a county administrator would remain at the discretion of the commissioners' court.

16. Expand authority for governments and certain county or local government boards to hold public meetings remotely – SB 42 (88th-R) and HB 1888, HB 3139, SB 1515 (87th-R)

Proposed by County Administration

Synopsis: During the Covid-19 declared disaster, the Governor temporarily suspended various provisions that require government officials and members of the public to hold public meetings while physically present at a specified location. As a result, many government bodies held public meetings via telephone or videoconference, and members of the public participated in public comment by calling in remotely. This pandemic demonstrated that governments can effectively conduct the public's business using modern technology. However, absent a waiver from the Governor, state law gives only limited authority to conduct remote public meetings, essentially only allowing exceptions for individual members who cannot participate in person, but still requiring that the governmental body and presiding officer be physically present. Members of the public still need to be physically present. (See Gov. Code Sec. 551.127) This proposal would amend the Texas Open Meetings Act to authorize governments, or at the very least local government board such as the County's Historical Commission, to utilize remote meetings more frequently. This proposal will also amend Tax Code Sec. 26.06 to strike a requirement that meetings to consider property tax rates be held in person.

17. Access to state-level criminal history datasets by localities working on recidivism projects and research

Proposed by County Administration

Synopsis: This proposal seeks to amend Texas Government Code Section 411.083(b)(4) for the County to gain access to the required data for a research project with the Meadows Foundation. Currently, access to this data is reserved for localities using Federal and State funding. Our proposal would allow them to access the data if they are using local funding and not only Federal and State funds.

18. Amend existing statute to allow filing of electronic documents, if county enters into an MoU

Proposed by County Clerk's Office

Synopsis: This proposal seeks to amend Sec. 195.003. PERSONS AUTHORIZED TO FILE ELECTRONICALLY and add under Subsection (a), a county may authorize a person to file electronic documents or other documents electronically for recording with a county clerk if the county enters into a memorandum of understanding with the person for that purpose. This subsection applies only to a county with a population of 500,000 or more. (b) A fee may not be charged to a person authorized to file under this section, except as provided by Section 195.006 or 195.007.

19. Increase the fee for Vitals Preservation Records

Proposed by County Clerk's Office

Synopsis: This proposal would amend the Health & Safety Code 191.0045 (h) which allows for local registrars to charge a \$1.00 fee for Vitals Preservation. This bill would increase the amount of collection to \$2.00 to offset the current security paper vendor pricing. In 2022, The State approved a new security paper vendor which initially had one increase, but the price has increased once again. Rapidly increases in inflation coupled with a change in vendors of security paper, the cost to produce these documents has gone up and the County itself is not allowed to increase the fees; this must be done through statute. With the increases, our security paper has now more than doubled in price from .18 cents a page to .44 cents a page.

JUSTICE & PUBLIC SAFETY



20. Clarify the Alcoholic Beverage Code to prevent illegal after-hours bars – HB 115 (88th-R), HB 170 / SB 1067 (87th-R)

Proposed by Rep. Lina Ortega & County Attorney's Office

Synopsis: Previously passed out of the House as HB 170 during the 87th Regular session, this proposal is intended to stop illegal consumption of alcohol at “after-hours bars” by clarifying provisions of the Texas Alcoholic Beverage Code (ABC). ABC Sec. 105.06 sets forth times when it is illegal to consume, or possess with intent to consume, an alcoholic beverage in a

“public place,” for much of Texas any time on Sunday between about 2 a.m. and noon, and on any other day between about 2 a.m. and 7 a.m. However, “public place” is not defined in the ABC, so the locations Sec. 105.06 applies to is unclear. Illegal after-hours bars and private clubs take advantage of this ambiguity by, for example, not selling alcohol after hours, but nevertheless operating as a “BYOB” venue that charges for admission and permits persons to drink on their premises in contravention of the ABC. Texas Alcoholic Beverage Commission guidance makes clear that such after-hours bars are breaking the law; for example, an FAQ on the agency’s website states that, regardless of whether a venue is licensed, legal hours of public consumption of alcohol still apply. Illegal after-hours bars have also been magnets for other vices and violence and contribute to people driving while intoxicated during early-morning hours. Still, enforcing against these venues may be challenging absent statutory clarity. This proposal would amend ABC Sec. 105.06 to specifically define “public place” to mean any place to which members of the public have access, including privately-owned businesses, regardless of whether they are licensed or permitted by the state.

21. Humane care and handling of pets at grooming locations

Proposed by Animal Welfare Department

Synopsis: This proposal would require the humane care and handling, proven training and licensing of all staff and owners at grooming businesses for canines and felines in the County. In 2020, the City of El Paso voted to require all groomers to obtain a license before practicing. According to the El Paso, Texas, Municipal Code § 7.15.020, “...B. Licensed groomers must have said license and valid state-issued photographic identification in their possession and available for inspection by shop owners, clients and city officials at all times when grooming.” In addition to licensure, groomers will be required to complete some form of approved training, as stated in El Paso, Texas, Municipal Code § 7.15.030, “A. An individual seeking to perform animal grooming must first obtain from the director or designee, an animal groomer certificate or other proof of completion of the director’s animal groomer training course or an equivalent course pre-approved by the director before obtaining a groomer license.” The city ordinance went into effect in January 2021. This proposal seeks to extend that requirement to the rest of the state, or at the very least, to the rest of the county.

22. Juvenile Probation Department’s Drug Court inclusion of certain offenses

Proposed by Juvenile Probation Department

Synopsis: This proposal seeks to amend Texas Government Code Section 123.002 to allow drug courts to capture more youth that are constantly left out of drug court programs because of technicalities on the statute as currently written. The language to be deleted would be under section (2)(B) to allow youth that were involved in cases deemed to have “use of force against the person of another” and where the use of alcohol or a controlled substance is suspected to have significantly contributed to the conduct.

23. Authorize subpoena power for arbitration cases – SB 1691 (83rd-R)

Proposed by County Sheriff

Synopsis: This bill was previously filed during the 83rd Regular session, and the County Sheriff's office is encountering situations again where it is increasingly difficult to have witnesses come forward voluntarily. This bill would provide a framework for an arbitrator to subpoena documents and witnesses at the request of either party, relating to a disciplinary appeal or the resolution of a grievance under an agreement created pursuant to the Act. If a collective bargaining agreement provides a subpoena process, the agreement supersedes the statutory provision created by this legislation to the extent the statute conflicts with the contract.

24. Codifying the ambulance staff waiver issues during the COVID-19 pandemic, to continue to allow non-medical staff to drive emergency vehicles as long as the other crew members are certified

Proposed by County Administration

Synopsis: This proposes to codify into state law a temporary waiver that was initially issued during the COVID-19 pandemic, to address staff shortages of ambulance drivers. The waiver allowed for non-patient care drivers to operate ambulance services, resulting in more widely available emergency services during the declared disaster. As the County continues to see staff shortages in the field, this measure will be beneficial to keep ambulances staffed and operational. By amending Sections 773.050(a) of the Texas Health & Safety Code to allow for non-patient care drivers in ambulances, communities will be better served through more widely available emergency services. This measure could apply to counties with a population of 500,000 or more, if need be.

25. Speeding up medical help for those experiencing mental crises

Proposed by County Attorney's Office

Synopsis: This proposes to allow certain mental health and medical professionals in mental health facilities to detain a person for preliminary examination and implement safeguards and guidance for these temporary detentions. Currently, law enforcement can make a determination and temporarily detain a person experiencing a mental health crisis without going before a judge. When patients present at a hospital in crisis, the danger to the patient and hospital personnel greatly increases. Medical personnel, the professionals with the most expertise, should, similar to the current law related to law enforcement, be able to intervene quickly and temporarily without waiting sometimes hours (overnight and otherwise) for a judicial authorization to intervene and treat the patient.

26. Making the Texas Supreme Court’s remote witness order permanent

Proposed by County Attorney’s Office

Synopsis: For over two years, courts have operated efficiently and fairly without in-person testimony under the authority of the Texas Supreme Court’s emergency pandemic orders. Adult and child victims of crime, respondents in CPS investigations, litigants in family law proceedings and many others have greatly benefitted from appearing remotely; safety for victims in the courthouse has greatly increased. This proposal will allow all witnesses to participate in the criminal and civil justice process remotely.

27. Authorizing increased funding for existing Crisis Intervention Teams and support the creation of new teams

Proposed by County Administration

Synopsis: Over the past couple of legislative sessions, several bills have been filed to allocate more funding for Crisis Intervention Teams and efforts to partner law enforcement officers with mental healthcare professionals on the field. Through bills such as SB 1390 (87-R), the county supports the creation of grant programs for municipal or county mental health crisis response teams.

VETERAN & MILITARY AFFAIRS



28. Assistance for deported veterans to access services available in the U.S.

Proposed by County Administration

Synopsis: This proposal intends to direct the Texas Veterans Commission or any other related agency to provide services, such as legal counseling, medical and mental healthcare, peer support services, etc. for deported veterans living in border towns. Most medical services are only available in the U.S., and these brave men and women who served in the United States Military need help accessing these supports and services. For example, only service-connected deported veterans are eligible to receive medical services abroad. This proposal seeks to change the requirements to allow any deported veteran, even if they are not service-connected, and make them eligible to be treated by the foreign medical program.

29. Safe storage of firearms program for Veterans

Proposed by Commissioner Stout

Synopsis: This proposal will build on the existing Safe Storage Campaign to include voluntary firearms surrender programs. During the last session, Texas appropriated \$500,000 to DPS for Safe Storage programming. Some or all of that went to build this site: <https://safegunstoragetexas.com>. The site appears to be about home storage purposes and options. It does not provide any information about voluntary surrender programs or suicide prevention.

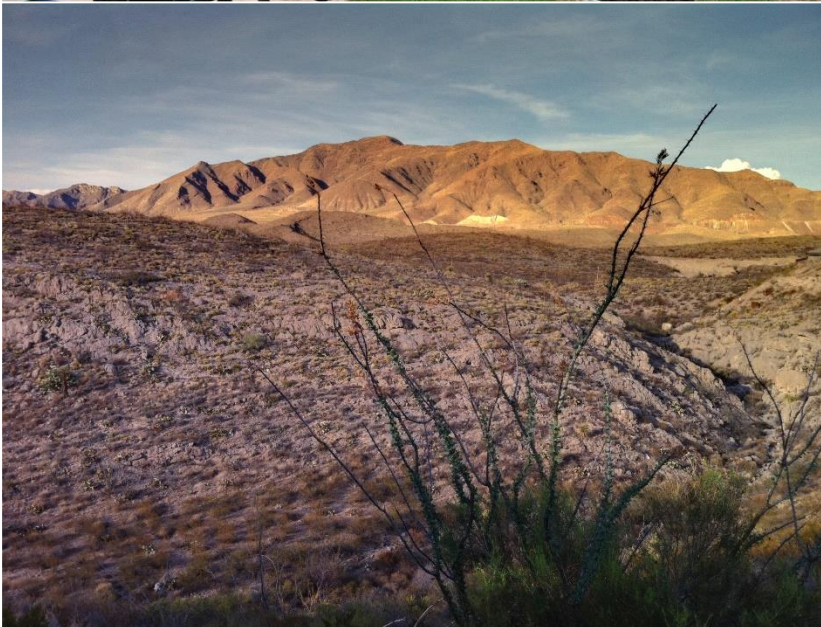
ELECTIONS



30. Election Administrator to appoint judges and clerks of election to assist the election administrator

Proposed by County Elections Department

Synopsis: This proposal would allow county election administrators to appoint judges of election and clerks of election to assist the commissioner during the November uniform Election Day. Judges and clerks of election would be selected at random from a cross section of the population of the county, similarly to the jury selection process, allowing for more polling sites to be open, as well as providing more time for training and preparation ahead of each election.



2023
EL PASO COUNTY
LEGISLATIVE
VALUES
DOCUMENT

These general statements of principles provide El Paso County's positions on a broad range of issues that may arise during the legislative session.

JUSTICE & PUBLIC SAFETY



Support:

1. Support efforts to maintain and improve delivery of, and availability of, legal indigent defense, and support legislative appropriations requests for the Texas Indigent Defense Commission, specifically in ensuring Texas counties are provided additional funding to offset the cost of providing indigent defense.
2. Support additional state funding for juvenile probation departments which will allow for the diversion of youth from the system, from commitment to TJJD and for the flexible funding to initiate innovative intervention approaches that align with positive youth development
3. Support payments to counties for costs of detaining in county jails technical parole violators and new-offense parole violators held solely for parole revocation purposes.
4. Support reforms that divert non-violent, low-level drug offenders from jails to treatment, and support funding for diversion programs.
5. Support legislation that allows counties to regulate the carrying of weapons on county premises.
6. Support legislation that will strengthen community safety and prevent mass violence.
7. Support reforms to policing and police accountability, including but not limited to, reforms regarding police training and use of force, especially deadly force, by peace officers.
8. Support the establishment of a law school within the County of El Paso.
9. Support legislative efforts to combat sexual assault and exploitation, domestic violence, and human trafficking.
10. Support legislation to improve animal welfare and combat animal cruelty.
11. Support Texas Judicial Council collection of case-level data from Texas courts.
12. Support programs that provide mental health crisis intervention without law enforcement involvement.
13. Support competency restoration solutions to alleviate our jail population.
14. Support increased State Crime labs capacity and funding.
15. Support legislation for increased funding for existing Crisis Intervention Teams and support the creation of new grant programs.

Oppose:

1. Oppose reductions to funds supporting local juvenile justice functions or a shift of funding to incarceration over cost-effective and outcome-driven local treatment alternatives.
2. Oppose legislation that increases the cost of law enforcement without demonstrating improved outcomes.
3. Oppose any increase in fees to be paid to attorneys appointed to represent indigent criminal defendants until the adoption of the next county budget and require notice of the proposed increase to be provided to commissioners courts no less than 90 days prior to the beginning of the fiscal year.

4. Oppose legislation that would further limit counties' authority to regulate fireworks to protect public health and safety; oppose legislation that would limit current county authority to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration; and oppose the extension of current fireworks seasons or the creation of a new fireworks season unless counties are granted discretion over the sale of fireworks for such new season or extended season.
5. Oppose legislation that would dilute El Paso County voters' ability to elect candidates to Texas state courts of appeal.
6. Oppose legislative efforts that impede the work of local government animal welfare departments or animal shelters.
7. Oppose legislation that would impede timely bond decision by magistrates, including but not limited to legislation that would limit a court's discretion to make individualized bond decisions using evidence-based tools and information provided by the parties in each case.

COMMUNITY & ECONOMIC DEVELOPMENT



Support:

1. Support efforts to preserve the state's historical and archeological heritage through the Texas Historical Commission and its various programs and services, including the Heritage Trails program, State Historical Marker and Historic Texas Cemeteries programs, and historic preservation tax credits.
2. Support legislation that increases funding and mechanisms for local governments to work toward eliminating illegal dumping of tires, bulk items, household waste, and other hazards.
3. Support state economic development incentive programs, maintaining or increasing funding for the Texas Economic Develop Act (Chapter 313), and the Texas Enterprise Fund, to induce high-value companies to create jobs in El Paso and enhance the local tax base, and further support changes to the Texas Enterprise Fund that would allow for any businesses seeking to utilize the Fund to be obligated to create more than 50 new jobs, instead of 75, thus making El Paso more competitive in attracting businesses.
4. Support capital construction needs for research and academic facilities, and appropriate funding for programs, for the University of Texas at El Paso, the Texas Tech University Health Sciences Center El Paso and El Paso Community College, including a restoration of general revenue reductions made during the 2020-21 biennium and a restoration of revenue reductions in 2022-23 biennium non-formula items, and funding for COVID-19 recovery and transition.
5. Support continued appropriations for Texas Parks and Wildlife Department (TPWD) facilities, in particular appropriations to the Hueco Tanks State Park & Historic Site, and additional support to restore TPWD's iconic Wyler Aerial Tramway.
6. Support investments in Texas' international ports of entry, including efforts to improve collection of real-time data on bridge wait times, to expedite commercial inspections and minimize congestion to fund new technologies and innovative local programs that facilitate trade, to reduce environmental impacts on neighborhoods in proximity, and to maintain or enhance County assets.

7. Support increased funding and expansion of the state broadband plan, and state funding to incentivize deployment of broadband in underserved and rural areas.
8. Support efforts to diversify and improve the sustainability and resilience of Texas' electric grid and energy generators during extreme weather events, efforts to effectively oversee generators' actual ability to keep pace with increasing energy demands, and efforts to prevent widespread consumer power outages during periods of high demand.
9. Support legislation that requires students to learn their local community's history.
10. Support legislative efforts to create a West Texas Spaceport Development Corporation, accepting state space grant funds under the Texas Spaceport Trust Fund for infrastructure development, and requesting \$50M in funding through Texas Local Government Code Chapter 507 legislation.

Oppose:

1. Oppose any legislation that would endanger the state's ability to be competitive and welcoming by discriminating against certain segments of the state's population, including but not limited to immigrants and LGBTQ Texans.
2. Oppose any legislation that would detract from a local community's ability to implement community identification programs for their residents.
3. Oppose any efforts to reduce local governments' ability to attract and retain businesses.

VETERAN & MILITARY AFFAIRS



Support:

1. Support legislation which grants counties regulatory authority around military facilities, in certain circumstances, to prevent unnecessary encroachment on military installations, or the creation of incompatible land use, or to otherwise prevent interference with the military's capacity to sustain its mission.
2. Support funding for military preparedness and for shielding military facilities in Texas from future rounds of Base Realignment and Closure (BRAC), including but not limited to funding for the Texas Military Preparedness Commission's grant programs, including the Defense Economic Adjustment Grant (DEAAG) Program.
3. Support efforts to eliminate barriers to military veterans transitioning from active duty to civilian life, including but not limited to continued support for Hazlewood Act tuition exemptions, establishing pipelines to connect veterans to public- and private-sector employers, and continuing efforts to ease the process for transferring out-of-state professional certifications held by active-duty military, veterans and their spouses.
4. Support legislation which gives active-duty military members a discount on, or exception to, paying toll road fees.
5. Support efforts to identify veterans, including justice-involved veterans, and connect them to federal, state or local benefits or supports.

TRANSPORTATION



Support:

1. Support a higher priority for transportation funding in the state's budget process and increased funding to be administered and programed at the local level through the metropolitan planning organization.
2. Support using TERP and LIRAP fund balances for congestion relief transportation projects, as long as it does not impair SIP compliance, it is done in non-attainment and near non-attainment areas and is in addition to transportation funding for those areas.
3. Support amending Transportation Code Sec. 521.428, which authorizes counties or municipalities to choose to enter into an agreement with the Department of Public Safety to provide driver's license and personal identification renewal services, by increasing the additional fee such counties and municipalities may collect for providing such services.
4. Support legislation to require public transportation providers that offer reduced fares to passengers with disabilities to offer the same reduced fares to passengers with severe and persistent mental illness.
5. Support legislation to require the Texas Department of Transportation, when developing transportation projects, to consider alternative designs approved by a municipality or county.

HEALTH & HUMAN SERVICES



Support:

1. Support preservation of effective enforcement authority to prevent the creation of substandard housing in unincorporated areas of the county.
2. Support preservation of "build it or bond it" authority that ensures an adequate infrastructure for water, sewer and roads in unincorporated areas of the county.
3. Support legislation that provides resources to counties to expand basic services required by population growth in unincorporated areas.
4. Support additional funding for community mental health and intellectual/developmental disabilities programs throughout the state to avoid costly and unnecessary treatment in hospital emergency rooms and/or jails.
5. Support innovative measures to address overcrowding in county jails, the impact of homelessness on jail populations and the needs of inmates requiring detoxification from drugs and alcohol, or treatment for a mental illness.
6. Support the opportunity for counties to receive the authority to participate in Medicaid expansion to reduce the financial burden of their uncompensated care on local taxpayers.
7. Support appropriations of bond proceeds and debt service to the Texas Water Development Board to aid economically distressed areas, pursuant to voter approval of Proposition 2 in 2019.
8. Support the allocation of additional program funding at the Texas Water Development Board, Texas Department of Agriculture or Texas Department of Housing & Community Affairs to assist existing *colonias* in obtaining first-time services (water, wastewater, home

repairs, home improvements and storm water), and otherwise support legislation intended to assist residents of *colonias*.

9. Support continued investment in Texas Water Development Board-supported drainage and flood control infrastructure projects to strengthen Texas' long-term flood resilience.
10. Support continuation of Texas' Office of the Attorney General (OAG) Integrated Child Support System, wherein the OAG may provide child support enforcement services under contract with participating counties.
11. Support legislation that improves health outcomes for Texans by mitigating the root causes of, and preventing the onset of, underlying health concerns that make Texans susceptible to opportunistic viruses like that which causes COVID-19.
12. Support efforts to decrease rates of food insecurity in Texas.
13. Support legislative efforts to combat homelessness and to connect homeless individuals to supports and services.
14. Support authorizing University Medical Center of El Paso to contract with a broker to sell hospital district real property.
15. Support eliminating term limits for University Medical Center of El Paso board members.
16. Support all healthcare measures that prevent the spread of COVID-19.
17. Support increased funding for mental and behavioral health.
18. Support legislative efforts to allow County Judges the discretion to have additional time to transition a declaration of local disaster, pursuant to Texas Government Code, Chapter 418, when the Governor issues a disaster declaration that conflicts with the local disaster declaration. This would allow more time for a local community to prepare for the transition and would improve communication about the transition.
19. Support CNAs and Long-term Care Residents' rights through an increased minimum amount of the monthly personal needs allowance for Medicaid recipients who are residents of long-term care facilities from \$60 to \$85.

Oppose:

1. Oppose legislation that seeks to criminalize or penalize a person seeking medical care that may include an abortion.
2. Oppose any legislation that would limit the County's ability to regulate utility service connections via the certificate of plat compliance or negatively impact enforcement actions associated with Texas Local Government Code Chapter 232, Subchapter B.
3. Oppose any efforts that would limit political subdivisions' bargaining position in ongoing opioid litigation or other similar class action lawsuits.

REVENUE & TAXATION



Support:

1. Support protecting the ability of local units of government to issue certificates of obligation.
2. Support legislation to improve central appraisal districts' operations, including legislation to better assure appraisals on commercial property; legislation regarding appraisal district

legal fee reform and equity appeals reform; legislation to require sales price disclosure so that appraisers have the tools they need to establish a property's market value; and legislation that establishes increased minimum qualifications for members serving on an appraisal review board.

3. Support legislation and resolutions that keep the state legislature from issuing unfunded mandates to local governments.
4. Support legislation that enables local units of government to seek relief when existing statutory fees fail to cover the cost of a necessary public service.
5. Support legislation authorizing the continued collection of, and increase in, fees to fund county law libraries.
6. Support efforts to ensure county and district clerks are able to implement and/or increase records management and preservation fees as needed.

Oppose:

1. Oppose legislation that imposes revenue caps or in any other way limits local governments' ability to generate revenue to fund their operations, or that endangers local governments' bond ratings.
2. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of the tax base unless approved by local governments.
3. Oppose legislation that unnecessarily restricts local governments' ability to issue debt or that imposes undue burdens on debt issuance referendums.
4. Oppose as unfunded mandates any new requirement or duty on county government that is not accompanied by additional state appropriations.

GOVERNMENT ADMINISTRATION, EFFICIENCY & TRANSPARENCY



Support:

1. Support legislation that promotes opportunities for local governments to consolidate functions to streamline services and reduce costs to taxpayers, and legislation that otherwise promotes making local government more efficient.
2. Support legislation that provides financial accountability and metrics to measure border security, and the effectiveness of appropriations toward border security.
3. Support the Texas County and District Retirement System and any other public retirement system that is a prudently- and conservatively-structured defined contribution pension plan that provides flexibility and local control.
4. Support legislation that promotes fairness in employment by supporting the removal of barriers to employment for individuals with certain convictions.
5. Support legislation authorizing county purchasing agents to require electronic submission of bids.
6. Support legislative efforts to ensure a fair, fully transparent, impartial, and depoliticized process for the drawing of local, state legislative, and congressional districts of near equal population, and in particular support efforts to establish a citizen-led commission composed of Texas voters who are representative of the state's diversity, partisan balance and geography for all future redistricting.

7. Support additional resources to local governments to respond to declared disasters.
8. Support legislation which allows a county to fulfill posting requirements by posting public notice on a county's website.

Oppose:

1. Oppose any efforts to limit county judges' authority to issue emergency orders during a declaration of disaster pursuant to Chapter 418 of the Texas Government Code or any other authority.
2. Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.
3. Oppose legislation that requires counties to perform a federal function.
4. Oppose efforts to constrain reliable retirement benefits from responsibly funded plans that are savings-based and provide local flexibility and control.
5. Oppose legislative redistricting that sacrifices important principles, such as the protections of the federal Voting Rights Act and the integrity of communities of interest, and that furthers gerrymandering that denies communities the opportunity to elect candidates of choice.
6. Oppose limitations on local governments' regulatory authority, including but not limited to land use regulation.
7. Support authority for counties to adopt ordinances or regulations.
8. Oppose legislation that would require release of personally-identifying information or other information that might otherwise enable identity theft.

ELECTIONS



Support:

1. Support legislation which improves election administration.
2. Support the creation of an online voter registration system.
3. Support legislation authorizing no-excuse mail-in voting, as well as legislation to improve the mail-in voting process, including but not limited to authorizing voters to request mail-in ballots via email, rather than by physical mail; creation of a statewide ballot-tracking system; and authorizing voters to drop off mail ballots at any county office.
4. Support designating Election Day a school holiday.

Oppose:

1. Oppose legislation that in any way disrupts orderly elections administration by local officials or that preempts or criminalizes efforts by local officials to implement programs that encourage lawful voter participation, as well as oppose legislation that in any way constrains or discourages eligible individuals from voting, including but not limited to opposing legislation that creates barriers to registering to vote, to vote by mail or to lawfully receive assistance while voting, or legislation that results in voter intimidation, voters wrongfully being purged from voter rolls or voters in any other way being disenfranchised.